



March 23, 2007

ENGROSSED HOUSE BILL No. 1546

DIGEST OF HB 1546 (Updated March 20, 2007 11:26 am - DI 71)

Citations Affected: IC 10-17.

Synopsis: Access to military discharge records. Provides that a military discharge record is not available for public inspection and copying. Allows the veteran who is the subject of the record, a veterans' service officer, an employee of the Indiana department of veterans' affairs, a funeral director, the spouse or next of kin of a deceased veteran, and other persons under a court order to have access to the record. Provides that: (1) for military discharge records filed before May 15, 2007, a county recorder must, to the extent technologically feasible, take precautions to prevent the disclosure of a military discharge record; and (2) after May 14, 2007, a county recorder must maintain military discharge records in a separate, confidential, and secure file from other records.

Effective: Upon passage.

GiaQuinta, Buell
(SENATE SPONSOR — WYSS)

January 23, 2007, read first time and referred to Committee on Public Policy.
January 25, 2007, reported — Do Pass.
January 29, 2007, read second time, ordered engrossed.
January 30, 2007, engrossed. Read third time, passed. Yeas 95, nays 1.

SENATE ACTION

February 19, 2007, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
March 22, 2007, amended, reported favorably — Do Pass.

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March 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1546

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-17-2-4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 4. (a) As used in this section, "photographic**
4 **identification" means an identification document that:**

5 (1) shows the name of the individual to whom the document
6 was issued;

7 (2) shows a photograph of the individual to whom the
8 document was issued;

9 (3) includes an expiration date indicating that the document
10 has not expired; and

11 (4) was issued by the United States or the state of Indiana.

12 (b) A discharge record is not a public record under IC 5-14-3.
13 A county recorder may provide a certified copy of a discharge
14 record only to the following persons:

15 (1) The veteran who is the subject of the discharge record if
16 the veteran provides photographic identification.

17 (2) A person who provides photographic identification that

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identifies the person as a county or city service officer.

(3) A person who provides photographic identification that identifies the person as an employee of the Indiana department of veterans' affairs.

(4) A person who:

(A) is a funeral director licensed under IC 25-15; and

(B) assists with the burial of the veteran who is the subject of the discharge record;

if the person provides photographic identification and the person's funeral director license.

(5) If the veteran who is the subject of the discharge record is deceased, the spouse or next of kin of the deceased, if the spouse or next of kin provides photographic identification and a copy of the veteran's death certificate.

(6) The following persons under a court order, if the person provides photographic identification and a certified copy of the court order:

(A) The attorney in fact of the person who is the subject of the discharge record.

(B) The guardian of the person who is the subject of the discharge record.

(C) If the person who is the subject of the discharge record is deceased, the personal representative of the estate of the deceased.

(c) To the extent technologically feasible, a county recorder shall take precautions to prevent the disclosure of a discharge record filed with the county recorder before May 15, 2007. After May 14, 2007, a county recorder shall ensure that a discharge record filed with the county recorder is maintained in a separate, confidential, and secure file.

(d) Disclosure of a discharge record by the county recorder under this section is subject to IC 5-14-3-10.

SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1546, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

VAN HAAFTEN, Chair

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1546, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 10 and 11, begin a new line block indented and insert:

"(5) If the veteran who is the subject of the discharge record is deceased, the spouse or next of kin of the deceased, if the spouse or next of kin provides photographic identification and a copy of the veteran's death certificate."

Page 2, line 11, delete "(5)" and insert "(6)".

Page 2, line 19, after "estate of the" insert "**deceased.**".

Page 2, deletes lines 20 through 21.

Page 2, between lines 21 and 22, begin a new paragraph and insert:

"(c) To the extent technologically feasible, a county recorder shall take precautions to prevent the disclosure of a discharge record filed with the county recorder before May 15, 2007. After May 14, 2007, a county recorder shall ensure that a discharge record filed with the county recorder is maintained in a separate, confidential, and secure file."

Page 2, line 22, delete "(c)" and insert "**(d)**".

and when so amended that said bill do pass.

(Reference is to HB 1546 as printed January 26, 2007.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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